



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/217,117	12/21/1998	YASUTOMO NISHINA	450100-4033.	8734

20999 7590 03/14/2003

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

DETWILER, BRIAN J

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

54

Office Action Summary

Application No.

09/217,117

Applicant(s)

NISHINA ET AL.

Examiner

Brian J Detwiler

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-10, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,589,892 (Knee et al), U.S. Patent No. 5,047,867 (Strubbe et al), and U.S. Patent No. 6,424,790 (Ishii et al).

Referring to claims 1 and 4, Knee provides an apparatus for controlling an electronic program guide (EPG) (see Knee: fig. 1), wherein the EPG system is provided with data feeds containing different types of information and is selectable for display by the user on an on-demand basis. Knee's EPG system further provides storage for information obtained from received data feeds (broadcast program), the information relative to a number of broadcast programs extracted from predetermined positions of video signals (see Knee: col 6, lines 40-60, col 45, lines 8-17). Knee further discloses a storage for program schedule information, wherein the program schedule information comprises an identification of teams (names) participating in a live sporting event and the channel on which the event is being broadcast including information identifying the title and time of said event (see Knee: col 36, lines 52-61, col 46, lines 46-55, col 48, 30-44). Knee, however, does not explicitly show recording medium identification information or recording start and end position information. Strubbe, though, describes storing

Art Unit: 2173

and displaying program name information (Figs. 10a, d) and recording medium identification information (Fig. 4, H, Tape 3, Tape 5). Furthermore, Strubbe indicates a third store for storing information concerning programs on other tapes of the user wherein the tapes are designated by recording medium identification numbers such as tape numbers (see Fig. 4, H, tape #3, tape #5). Thus a user can identify which tape contains his favorite show or program. Knee shows (Fig. 1) and describes various components of electronic program schedule systems. Physically, the components can be mounted in a separate housing, or included as part of a TV, VCR, etc. (col 9, lines 50-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the operation and control of a recording medium (VCR) of Strubbe as part of Knee's component system. Thus, by incorporating the recording medium (VCR) of Strubbe a user will be able to record a plurality of programs for later viewing at any convenient time. Knee and Strubbe fail to disclose the remaining limitation whereby start and end position information for a program is stored so as to be viewable by a user on a display. Ishii, though, discloses recording start and end position information for each recorded program (see Ishii: col 35, lines 40-58 and col 36, lines 5-21). Ishii explains that the start and end position information can be verified by the user so that the exact location of a desired program can be located easily. The verification process inherently involves some sort of graphical display which the user can view. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the recording and displaying of start and end position information as taught by Ishii in the system of Knee and Strubbe so that a user could locate a desired program in an efficient manner. Knee, Strubbe, and Ishii disclose a display control means capable of displaying an electrical program guide comprising program-related

Art Unit: 2173

information (see Knee: col 6, lines 40-60). Also disclosed is the setup of recorded program information (see Strubbe: figs. 6b and 8b or 8d). The electronic program guide of Knee's further demonstrates that information from the stored program schedule information (Abstract) is combined with information obtained from received data feeds and displayed simultaneously (see Knee: col 6, lines 40-60). The program guide system also provides the capability of selecting from among several user-defined channel presentation sequences, which are activated using one of the three "check mark" icon keys 48A, 48B or 48C on the remote controller 40 shown in FIG. 4. (see Knee: col 27, line 56-col 28, line 5). Once a particular entry is selected, the electronic program guide connects the user to the selected service and passes control to the particular service application software, as shown in FIGS. 32-35.

Referring to claims 2 and 5, as per "... said display control means is capable of displaying simultaneously as an electrical program guide, at least a program information area in the form of a window to display the program information, a command area in the form of a window to display items for selecting a manipulation command relative to said program guide, and an input area in the form of a window to display items for inputting a required parameter corresponding to the selected manipulation command." Knee, Strubbe, and Ishii further disclose that the information from the stored program schedule information is combined with information obtained from received data feeds and displayed simultaneously. Knee further provides selectable displayed items (such as menu items or commands) for input manipulation and processing (see Figs. 6-8).

Referring to claim 6, as per "... wherein said recorded program information stored in said recorded program information storage means includes the recording start positions of the

Art Unit: 2173

broadcast programs in said recording media." Knee, Strubbe, and Ishii further disclose recording start positions of the broadcast programs in the VCR (recording media) (see Ishii: col 35, lines 40-58 and col 36, lines 5-21).

Referring to claim 7, as per "... wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a normal picture." Knee, Strubbe, and Ishii disclose this limitation (see Strubbe: figs.6b, 14a and 14b).

Referring to claim 8, as per "... wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a fixed picture." Knee, Strubbe, and Ishii further disclose a "freezing" or fixed picture-in-picture (PIP) representation of a scene from a particular program being broadcast (see Strubbe: col 12, lines 49-56). Additionally, a graphic overlay 51 containing programming information for the channel currently tuned on the tuner is superimposed in overlaying relationship with a received program signal (see Knee: col 14, lines 3-18).

Referring to claim 9, as per "... wherein said display control means has a mode to display the program information relative to the broadcast programs, on the basis of the broadcast program information stored in said broadcast program storage means; and a mode to display the program information relative to the recorded programs on the basis of the recorded program information stored in said recorded program information storage means." Knee, Strubbe, and Ishii disclose that the EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see Knee: col 5, lines 1-7, col

Art Unit: 2173

9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

Referring to claim 10, Knee, Strubbe, and Ishii disclose that the EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see Knee: col 5, lines 1-7, col 9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

Referring to claim 12, as per "..., wherein said display control means displays the mode, which is currently set, in a portion of said program information area." Knee, Strubbe, and Ishii disclose that the EPG system further provides a flexible program schedule system that allows a user to view selected broadcast programs on a portion of the screen of the television receiver while simultaneously viewing program schedule information for other channels and/or services on another portion of the screen (see Knee: col 4, lines 26-39, col 6, lines 1-28, col 15, lines 41-64).

Referring to claim 16, as per "..., wherein said display means has a plurality of modes with regard to display of the command area, and displays command icons corresponding to each selected mode." Knee, Strubbe, and Ishii disclose that the plurality of display formats further provides user selectable icons (such as check-mark icons 48a-c) (see Knee: col 6, lines 1-28, col 12, lines 39-63, col 29, 16-48).

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 5-10, 12, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

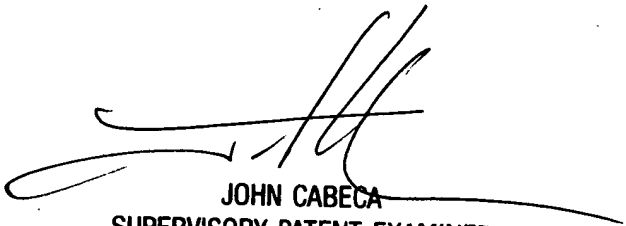
The present application has been transferred to a different examiner. Accordingly, any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Art Unit: 2173

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd
February 27, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100